

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON D.C. 20554

In the Matter of

MB Docket No. 17-106

Elimination of Main Studio Rule

COMMENTS OF JACKMAN HOLDING COMPANY, LLC AND SEBAGO
BROADCASTING, LLC

Jackman Holding Company, LLC (Jackman) and Sebago Broadcasting Company, LLC (Sebago) file these comments in response to the Notice of Proposed Rulemaking (FCC 17 – 106), released May 18, 2017 in the above captioned proceeding. Sebago and Jackman support elimination of the Commission’s main studio rule.¹

The world as it existed at the time the main studio rules were adopted decades ago is not the same world today. The technology, economics, and mode of business of the broadcasting world today no longer support or justify the expense or need for the main studio rules.

The main studio rule was conceived as a way to allow input from community and to provide for station participation in community activities.² The Commission then determined that a main studio must have a “meaningful management and staff presence” to fulfill the main studio’s function , which requires “management and staff presence on a full-time basis during

¹ Jackman is the licensee of WOWZ – FM Chincoteague, Virginia and the permittee of new FM Kualapuu HI facility ID 198744 and new FM for White Salmon, Idaho Fac ID 198745. Sebago is the long term licensee since 2002 of WCTG – FM Chincoteague Virginia. (WOWZ-FM and WCTG (FM) hereinafter the “Stations”)

² See, e.g., Applications of the *Tribune Company, Tampa, Florida, et al.*, 19 FCC 100, 148 (1954) (“The accessibility of the broadcast station’s main studio may well determine in large part the extent to which the station (a) can participate and be an integral part of community activities, and (b) can enable members of the public to participate in live programs and present complaints or suggestions to the stations.”))

normal business hours.”³ The Commission also implemented a program origination requirement and required that the main studio had continuous program transmission capability.

Experience Supports That There Is Minimal to No Public Benefit in Maintaining a Main Studio

Virtually all public communication with the Stations is via the Stations’ website, email, or social media – primarily Facebook. The Stations’ main studios serve nearly exclusively for the benefit of the Stations’ staff and for on-air personnel. The main studio brings no quantifiable benefits of the public. The public does not access the Stations through the main studios. The Stations have had virtually no contact with the public via the Stations’ main studios. The only reason the public would need to access the main studio is to review the public file. However, all public files will soon be available online so there is no longer even a public file basis to maintain a main studio.

The expense of maintaining a main studio, along with the necessary staffing and other accoutrements of the main studio rule, is a detriment to the public by siphoning funds that could be better used for programming or community events. WCTG for example could better use funds to sponsor more events like the Pony Swim and other community development activities and festivals.

The Main Studio Rule Has Resulted in Denial of New Service to Small Markets

Jackman was the only bidder for two small markets in FM auction 94. Jackman placed the only bids for new FM Auction 94 stations: NEW(FM), EDGEMONT, SD (FACILITY ID NO. 191564); AND NEW(FM), CUT BANK, MT (FACILITY ID NO. 191566). It paid the auction fee and filing fees only to determine after a closer analysis that with the added cost of a main studio and associated expenses, building these stations was simply not viable. But for the main studio rule and the added expenses associated with compliance, Jackman would have built

³ *Jones Eastern of the Outer Banks, Inc. Licensee, Radio Station WRSF(FM) Columbia, North Carolina*, Memorandum Opinion and Order, 6 FCC Rcd 3615, 3616, n.2 (1991).

and operated both stations. The current lack of service to these two new communities is a direct consequence of the main studio rule. Indeed there are many other small-market stations, whether in upcoming FM auctions or otherwise, that will likely be built and operated, that otherwise would not, if the needless additional expense of complying with the main studio rule is eliminated.

Noncommercial Stations Routinely Granted Main Studio Waivers Provide Quality Service to Their Communities

The long track record of noncommercial stations granted routine main studio waivers also supports elimination of the rule altogether. These stations are able to provide a valuable service to their listeners without the burden of a main studio. Indeed, many would not be operating without the waiver. The same rationale for granting a waiver for noncommercial stations is equally applicable to commercial stations. The reduced operational costs allow for additional revenue to provide better programming, more community outreach, and for the economic viability of providing a service at all.

Competitive Market Conditions Will Continue to Ensure That Stations Are Attuned to Their Communities

In order to survive, especially in smaller markets, stations must be attuned and responsive to their communities. Having a main studio in no way guarantees or promotes a connection to the community. Stations must go out into the community and be part of the community in order to assess programming needs, to make connections, and to sell time. This is not done by waiting for the public to visit a station's main studio. This is done by a stations very visible active presence in the community by sponsoring and being engaged in community events and activities. Sebago, for instance, has connected and continues to maintain a connection with its community by involving itself in dozens of activities⁴: These activities all involve the Station

⁴ Below are some of the WCTG community activities:
Pony Swim - benefit for Chincoteague Volunteer Fire Company

as a proactive business aggressively participating in the community—the expense of a studio or the existence of a studio in no way helps but deters this effort by using station resources unproductively. The public, to the extent it reaches out to the Stations, emails or calls.

Respectfully submitted,

Sebago Broadcasting Company, LLC

Jackman Holding Company, LLC

By 
A. Wray Fitch, III

Their Attorney---June 30, 2017

Chincoteague Firemen's Carnival Coverage
Return to Goat Island- Charity event in Snow Hill Maryland
Somerset Strawberry Festival
Ocean City St. Patrick's Day Parade
Onancock St. Patrick's Day Parade
CTG's 12 Bands of Christmas event in Wicomico County- Benefiting Children's House By The Sea
Chincoteague Family YMCA Grand Reopening
Scare Away Breast Cancer Walk and Trunk or Treat in Pocomoke City
Snow Hill Oktoberfest
Chincoteague Oyster Festival
Crisfield Crab Derby
Chincoteague Volunteer Fire Company's Chili/Chowder Cookoff
Chincoteague Island Blueberry Festival
Chincoteague Seafood Festival
Man Meets Mud – YMCA 5k, Pocomoke City
Pocomoke Spring Festival
Windows at the Firehouse Charity event in Pocomoke City
Coverage of Chincoteague Pony's Home Football games
Somerset County Field Day
Snow Hill Oyster Roast
Jesselemania 2016 in Chincoteague (Wrestling match to raise money for little girl with cancer)
Ride to Sturgis charity bike event in Snow Hill
Wheels on the Water Car Cruise in Crisfield
Pony Swim - benefit for Chincoteague Volunteer Fire Company
Chincoteague Firemen's Carnival Coverage
Chincoteague Firemen's Carnival Coverage